

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Ted M. Dean	§	Group Art Unit: 1794
	§	
Serial No.: 10/807,866	§	Examiner: Patricia L. Nordmeyer
	§	
Date Filed: March 23, 2004	§	
	§	
Title: NEW AND IMPROVED RETAIL MERCHANDISING STRIP	§	Atty Docket No.: T32123US

Affidavit of Ted M. Dean

I, Ted M. Dean, declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, and stated from my personal knowledge:

My new and improved retail merchandising strip has distinct advantages over other patented retail merchandising strips. By applying the release coating to the plastic strip, and rolling the product in the longitudinal direction, my product does not need to use a release paper to keep the adhesive from sticking to the strip, such as is described by Repaci (US Pat. #6,109,582) or Miller (US Pat. #6,840,391), or use of a masking strip, such as is described by Rodriguez (US Pat. #4,817,805).

This gives my strip several advantages over these strips:

a) I believe my strip is faster in utilization.

i) A user does not have to take an extra step to remove the strip from any release liner and does not have to dispose it, such as Repaci '582.

ii) A user does not have to remove the strip from the release liner, manage the release paper roll (tighten, rewind, and finally dispose it), such as Miller '391.

b) my strip allows for automation. The Assignee, Tru-Vision Plastics, Inc. has developed a machine that unwinds the roll by one adhesive element at a time, places the adhesive strip with the adhesive element exactly over a piston, when a bag is then placed in the machine, the machine detects the bag and the piston is actuated to provide application force to push the bag and adhesive element of the strip together. The machine then advances to the next adhesive element and the process is repeated. To date, I know of no automated or semi-automated system in the market for any of the above mentioned strips.

i) Repaci '582 is produced in single strips with a release paper that is removed prior to application. The challenge for this is to provide a machine capable of doing this, which I believe would be limited by the number of strips that could be loaded for utilization, because of thickness of the overall strip, adhesive and release liner.

ii) The challenge for Miller '391 is to have a system that controls multiple bags in parallel, as shown in the patent application. I believe it is known in the bagging industry that bags are filled one at a time and moved through most systems in single file. I believe most bags and pouches will not lay over

on the top in the way shown in Miller's '391 Fig. 2. Therefore, I believe the strip would not adequately attach the adhesive elements to the bags or would be cost prohibitive, as I know of no such system available in the market.

iii) I believe the Rodriguez '805 product does not lend itself to being easily automated. To my knowledge, the product has been around since about 1988 and I know of no system available in the market. The placement of the masking strip over the adhesive causes a gap from the surface of the adhesive equal to the height of the thickness of the masking strip. I believe this would cause the adhesive around the edges of the exposure to be unavailable for adhesion to the packaging.

c) I believe my strip is cheaper to produce.

i) Repaci '582 appears to have adhesive applied across the strip from multiple rolls of the adhesive. This is based upon the particular model number of the adhesive that is disclosed by Repaci '582 [Col. 5, Line 65]. To me, it appears the strips can only be produced along their lateral axis, only one at a time, to permit the adhesive to be unrolled from their rolls. I believe the speed at which the strips would be produced must be slow enough to make sure that the release liner remains attached to the adhesive areas on the final product of Repaci '582. My strips are disclosed to be produced six across at a time as there is no paper liner that has to be processed into the final product. At the same time, my strips are disclosed to be produced end-to-end, instead of laterally, allowing them to then be put into a roll along their longitudinal axis. This greatly decreases our labor cost and produces a product that is economical and suitable for automation.

ii) Miller '391 calls out that the adhesive strips form a substantially continuous strip of adhesive running parallel the length of the roll (column 3 lines 1-3). I believe the only way to produce this is to either apply the adhesive from rolls onto the release paper and then apply the strip 20 material onto the release paper 24 or have the adhesive preapplied in strips on the release paper, supplied in a roll, then be unrolled and place the strip material 20 onto the release paper. Either way, the strips will then have to be cut from this combination of release paper, adhesive and strip material. The strips are called out to be about 23 inches long (column 3 line 17). I believe the only way to get Miller's final product would be to then kiss cut through the strip material and the adhesive running parallel the length of the roll, and not through the release liner. The next step would then be to remove the excess material (web) between the strips to produce the roll of product shown in figures 1 & 2. In order to remove the web and rewind the finished roll of product without separating the strips from the release liner, this process will require a slow speed. The cost of the dies and equipment to produce a product 23 inches wide is very expensive. Most kiss cutting is done on rotary cutting equipment. We produce our product on a seven inch rotary die cutter. The cost of rotary dies are not linear with respect to the size of dies. A 24" die that is 342 % larger than a 7" die will cost more than 342 % the cost of the smaller die. The cost of 24 inch rotary die cutting equipment is also much greater than the cost of 7" die cutting equipment. With our advantage in production rates and equipment cost I believe we would produce our product at a much lower cost than, if someone were to produce per the disclosure of Miller '391.

iii) I believe Rodriguez '805 requires that the masking strip be die cut previous to the application of the adhesive strip. I believe it is well known in the art that cutting small pieces from plastic creates static electricity that

causes the cut parts to adhere to the primary product. As production speeds are increased the static is greater, causing greater problems. I believe the two step operation is much more labor and machine-time intensive than producing my strips. Rodriguez '805 also has a masking strip that covers the entire length of the adhesive, whereas I apply adhesive only where it is required, thereby greatly reducing the amount of adhesive that goes to the consumer (less post-consumer waste) over the Rodriguez '805 strip.

The strips of Repaci '582, Miller '391, and Rodriguez '805 are disclosed as having either a release liner or a masking strip. I believe this causes the overall thickness of their respective products to be greater than the overall thickness of my strip. This allows me to produce more product per setup and to package more product in a smaller volume. This decreases shipping cost, production cost and utilization cost.

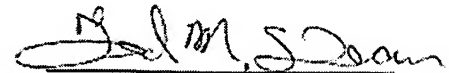
d) I believe my strip has a longer shelf life. This is because my adhesive elements are securely protected by the back of another strip on the roll. I believe the tension of the roll is held together by the friction between the adhesive and the back of the strip.

i) Repaci '582 discloses a release liner covering all of the adhesive areas. I believe the disclosure of Repaci '582 would tend to lead to the release liner becoming removed from some of the adhesive areas on the strips. These particular adhesive areas would then be exposed to the moisture in the air, and would deteriorate more rapidly than covered adhesive. Repaci '582 does not disclose means for keeping the release liner from separating from the adhesive segments once the product is produced.

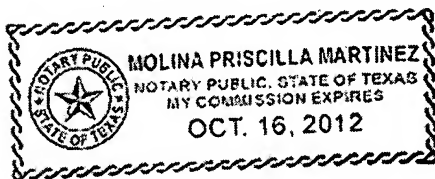
ii) In Rodriguez '805 the adhesive is prevented from touching the back of the next strip (due to the mask). No means are disclosed for maintaining a wound tension. I believe such a roll would become loose and expose the adhesive to more air, thereby causing a quicker deterioration of the adhesive.


Dated and signed this April 22, 2009 at 406 W. Bluebell Rd located at
Tai-Vision PLASTICS INC, Brenham TX 77833

I hereby certify, under penalty of perjury, that I am acting on my own behalf and state from my personal knowledge, that the foregoing statements are true and correct, to the best of my knowledge and belief.


Ted M. Dean

Sworn to and subscribed before me by Ted M. Dean on April 22, 2009.




Notary Public in and for the State of Texas
My commission expires: 11-16-12